

DRAFT VERSION
(Intended for Discussion Purposes Only)

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

TENTATIVE ORDER NO. R9-2014-TENT

**DRAFT GENERAL WASTE DISCHARGE REQUIREMENTS FOR DISCHARGES OF
WASTE FROM COMMERCIAL AGRICULTURAL AND NURSERY OPERATIONS
WITHIN THE SAN DIEGO REGION**

The Dischargers, as described in the following table are subject to the general waste discharge requirements as set forth in this Order:

Table A. Discharger Information

Dischargers	Any person responsible for storm water run on and runoff, irrigation return flows, wastes and wastewaters discharged from <u>commercial</u> agricultural and nursery operations that meet the eligibility criteria for enrollment in this Order. Eligibility criteria may be found in Finding Nos. A.3 and A.4.
Dischargers enrolled in this Order shall be subject to application fees and annual fees assessed relative to their assigned a threat and complexity ranking or other discharge specific conditions identified in California Code of Regulations, title 23, section 2200.	

Discharges of wastes by persons from their locations in the San Diego Region are subject to the requirements set forth in this Order. Administrative information regarding his Order is contained in Table B below.

Table B: Administrative Information

This Order was adopted by the California Regional Water Quality Control Board, San Diego Region on:	<DATE>
This Order shall become effective on the date of adoption.	

I, David W. Gibson, Executive Officer, do hereby certify that this Order with all appendices is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Diego Region, on <DATE>.

TENTATIVE

David W. Gibson
Executive Officer

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Tentative Order No. R9-2014-TENT

2014

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GENERAL WASTE DISCHARGE REQUIREMENTS FOR DISCHARGES OF WASTE FROM
COMMERCIAL AGRICULTURAL AND NURSERY OPERATIONS
WITHIN THE SAN DIEGO REGION

TENTATIVE ORDER NO. R9-2014-TENT

A. FINDINGS

The California Regional Water Quality Control Board, San Diego Region (hereinafter San Diego Water Board), finds that:

1. **LEGAL AUTHORITY TO ISSUE WASTE DISCHARGE REQUIREMENTS.** Water Code section 13260(a) and (c) require persons proposing to discharge waste,¹ or proposing to make a material change in the character, location, or volume of a discharge to file a report of waste discharge (ROWD) with the appropriate California Regional Water Quality Control Board (Regional Water Board). Water Code section 13264 prohibits persons from initiating any new discharge of waste or making any material changes in any discharge prior to the filing of a ROWD and being issued waste discharge requirements (WDRs) by the appropriate Regional Water Board.

Under authority of Water Code 13263(d), the San Diego Water Board may prescribe WDRs although no ROWD has been filed.

Pursuant to Water Code section 13263(i), the San Diego Water Board may prescribe general WDRs for a category of discharges if all of the following criteria apply to the discharges in that category:

- a. *The discharges are produced by the same or similar operations.* Commercial Agricultural and Nursery Operations (Operations) produce similar waste materials, waste constituents, and/or waste degradation products as a result of conducting growing activities.
- b. *The discharges involve the same or similar types of waste.* Operations can and/do contain wastes, as defined in Water Code section 13050, that could affect the beneficial uses² and quality of waters³ of the State. Such wastes that enter or threaten to enter into waters of the State include, but may not be limited to:
 - i. earthen materials such as soil, silt, clay, and rocks;
 - ii. inorganic materials such as metals, salts, boron, potassium, nutrients, etc.;
 - iii. organic materials such as organic pesticides and hydrocarbons.
- c. *The discharges require the same or similar treatment standards.* Dischargers responsible for Operations commonly implement the same or similar monitoring program, adhere to similar management measures (MMs) and/or best management practices (BMPs), and are subject to similar site-specific criteria for the protection of water quality.
- d. *The discharges are more appropriately regulated under general waste discharge requirements than individual requirements.* This Order would reduce San Diego Water Board time expended on preparing and considering individual WDRs for

¹ The term "waste" is as defined in Water Code section 13050(d).

² The term "beneficial uses" is as defined in Water Code section 13050(f).

³ The term "quality of the water" is as defined in Water Code section 13050(g).

each Operation and would significantly simplify and expedite the application process for Dischargers. Further, this Order allows that San Diego Water Board to more effectively and efficiently regulate discharges of wastes from Operations located within the San Diego Region. As discharges of waste from Operations meet the four criteria in Water Code section 13263, regulations of these discharges under general WDRs is appropriate.

2. **PURPOSE.** The purpose of Order No. R9-2014-TENT *General Waste Discharge Requirements for Discharges from Commercial Agricultural and Nursery Operations within the San Diego Region* (Order) is to replace *Conditional Waiver No. 4 – Discharges from Agricultural and Nursery Operations* (Waiver No. 4). The San Diego Water Board adopted this waiver as an amendment to the *Water Quality Control Plan for the San Diego Basin* (Basin Plan) in Resolution No. R9-2007-0104.
3. **DISCHARGER.** As the term applies in this Order, a “Discharger” is any person or persons who own or operate irrigated lands from which wastes discharge or have the potential to discharge, or any person or persons who own or operate irrigated lands who propose to discharge waste that could directly or indirectly affect the beneficial uses and/or quality of waters of the State.⁴ For the purposes of this Order, Dischargers involved in activities meeting the definition of “Non-Commercial Agricultural and Nursery Operations Growers,” as provided in Finding No. A.4 of this Order, are considered unlikely to adversely affect the waters of the State, and are therefore not required to enroll in this Order. Non-Commercial Agricultural and Nursery Operations Growers may be subject to, and required to enroll in, other federal, State, or local regulations.
4. **NON-COMMERCIAL AGRICULTURAL AND NURSERY OPERATIONS.** Consistent with the federal definition for a “farm,”⁵ established by the United States Department of Commerce, and the rate of inflation calculated by the United States Department of Labor,⁶ “Non-Commercial Agricultural and Nursery Operations”, for the purpose of this Order, are those Operations which generate less than ~~\$5,000~~\$1,000 in gross sales of agricultural or nursery products, or would have been grown and sold during the previous year, but for an event beyond the control of the Discharger.
5. **MONITORING GROUP.** Under this Order, the term “Monitoring Group” applies to any group/coalition of Dischargers and/or organizations formed to collectively comply with the requirements specified in the Order, and divide the cost of monitoring and reporting amongst its members. Monitoring Groups can be, but may not be limited to, organizations formed on a geographic basis or other common factors (i.e. commodities). Dischargers are not required to form or join a Monitoring Group, but are encouraged to form/join a Monitoring Group to avail themselves of the economic benefits. Dischargers not in a Monitoring Group are solely responsible for the costs associated with the water quality monitoring and reporting requirements contained within this Order.
6. **AGRICULTURAL OR NURSERY OPERATION LOCATION.** All Operations subject to this Order are located within the boundaries of the San Diego Regions.

⁴ The term “waters of the State” is as defined in Water Code section 13050(e).

⁵ The term “farm” is as defined in Part 4284.902, Code of Federal Regulations, Title 7.

⁶ United States Department of Labor Consumer Price Index Inflation Calculator (1974 – 2013), http://www.bls.gov/data/inflation_calculator.htm.

7. **WASTE DISCHARGES SUBJECT TO THIS ORDER.** The following types of waste discharges require the filing of a ROWD, for enrollment in this Order~~This Order requires the filing of a ROWD for the following types of waste discharges.~~ As documented in the Technical Report, *Information Sheet for Tentative General Order No. R9-2014-TENT and Monitoring and Reporting Program No. R9-2014-TENT*, WDRs for these specific types of discharges are in the public interest.
- Discharges of plant crop residues to land;
 - Discharges of storm water runoff from Operations;
 - Discharges of green wastes to compost facilities located at Operations;
 - Discharges s and/or application of amendments or mulches to soil;
 - Discharges of nursery irrigation return water.
8. **THREAT TO WATER QUALITY.** Discharges from Operations can and/or do contain wastes, as defined in Water Code section 13050, that could affect the beneficial uses and quality of the waters of the State. If not properly managed, discharges of tailwater,⁷ irrigation return flow, wastewater, and/or storm water from Operations to both surface water and groundwater can occur. Such wastes that enter or threaten to enter into waters of the State include, but may not be limited to:
- earthen materials such as soil, silt, sand, clay, and rocks;
 - inorganic materials such as metals, salts, boron, potassium, nutrients, etc.;
 - organic materials such as organic pesticides and hydrocarbons.
9. **STORM WATER MANAGEMENT.** Storm water and surface runoff allowed to contact composted materials and/or plant crop residues (as soil amendments or mulches) can leach pollutants to underlying groundwater, or transport pollutants to surface waters. Storm water runoff from Operations is exempted from compliance with federal NPDES regulations.⁸ However, storm water runoff, and return flows from Operations are subject to the statutory requirements of the Water Code and may be regulated by WDRs, unless a waiver of WDRs is issued by the San Diego Water Board. Operations properly managing their cultivated lands, irrigation return flows, and storm water run on/off are expected to pose a lesser threat to the beneficial uses and/or quality of waters of the State. Therefore, this Order requires, as a condition of enrollment, the proper implementation of BMPs and other MMs to minimize or eliminate discharges of pollutants from Operations to waters of the State.
10. **NONPOINT SOURCE POLLUTION CONTROL PLAN.** Adopted by the State Water Board, the *Plan for California's Nonpoint Source Pollution Control Program* (NPS Plan) and the [Policy for Implementation and Enforcement of the Nonpoint Source Pollution Control Program](#) (NPS Policy)⁹ are intended to:
- Improve the State's ability to effectively manage nonpoint sources of pollution, conforming to the federal Clean Water Act and the federal Coastal Zone Management Act; and

⁷ Refers to excess surface water draining from irrigated agricultural and/or nursery lands.

⁸ Code of Federal Regulations Title 40 section 122.3(e) and (f).

⁹ Dated January 2000 and May 2004, respectively.

- b. Explain the authorities use to implement and enforce the NPS Plan, in which three options for addressing nonpoint source pollution¹⁰ are described (WDRs, conditional waivers of WDRs, and discharge prohibitions).

Adoption of this Order is consistent with the State's NPS Plan and Policy.

11. CLEAN WATER ACT. Clean Water Act (CWA) section 303(d)(1)(A) requires that "[e]ach state shall identify those waters within its boundaries for which the effluent limitations are not stringent enough to implement any water quality standard applicable to such waters." The CWA also requires states to establish a priority ranking of impaired water bodies known as Water Quality Limited Segments and to establish Total Maximum Daily Loads (TMDLs) for such waters.

- a. **Water Quality Limited Segments.** The priority list of impaired water bodies is called the Clean Water Act Section 303(d) List of Water Quality Limited Segments, and is commonly referred to as the 303(d) List. The CWA requires the 303(d) List to be updated every two years.

The San Diego Water Board has identified 14 water quality limited segments, listed below in Table 1, Finding No. A.11 and Appendix D of this Order, where standards are not met; a TMDL is required, but not yet completed; and for the pollutants listed, agriculture and/or nurseries are identified as a potential source.

Table 1: 303(d) List Impaired Water Bodies¹¹

Water Body Name	Listing Date	Completion Date
Arroyo Trabuco Creek	2008	2019
De Luz Creek	2008	2021
Felicita Creek	2008	2019
Forester Creek	2008	2019
Hodges, Lake	2008	2013 / 2019
Kit Carson Creek	2008	2019
Mission Bay (at Rose Creek only)	2008	2019
Morena Reservoir	2008	2019
Rainbow Creek	2008	2019
Redhawk Channel	2008	2021
San Luis Rey, Lower	2008	2019
Santa Margarita Lagoon	2008	2019
Sweetwater Reservoir	2008	2019
Tijuana River	2008	2010 / 2019 / 2021

This Order implements existing regional TMDLs and serves as a non-TMDL solution, resulting in the elimination of waste discharges to impaired surface water bodies from Operations, and thereby dismissing Operations as potential sources for those pollutants impairing those water bodies on the 303(d) List.

- b. **Total Maximum Daily Loads.** TMDLs are numerical calculations of the maximum amount of pollutant that a water body can assimilate and still meet water quality standards. A TMDL is the sum of the allowable loads of a single pollutant from all

¹⁰ The term "pollution" is as defined in Water Code section 13050(l).

¹¹ Appendix D, *2008 California 303(d) List of Category 5 Water Quality Limited Segments were Agriculture and Nurseries are Potential Pollutant Sources*, of this Order provides the specific agriculture and/or nursery related pollutants for each of the impaired water bodies listed in Finding No. A.11, Table 1 of this Order.

contributing point sources (waste load allocations [WLA]) and non-point sources (load allocations [LA]) background contributions, plus a margin of safety.

TMDLs do not replace existing water pollution control programs, but rather provide a framework for evaluating the effectiveness of water pollution control efforts and for coordination between federal, State, and local efforts to meet water quality standards.

TMDLs listed in Table 2, Finding No. A.11 of this Order, assign numeric targets and LAs to agricultural discharges, which are implemented through this Order as Water Quality Benchmarks. The interim and final TMDL numeric targets and LAs are presented in Appendix C of this Order.

Table 2: TMDLs Adopted by the San Diego Water Board

TMDLs	Adoption Date	Resolution No.
Bacteria		
Revised Project I – Twenty Beaches and Creeks in San Diego Region (including Tecolote Creek)	Feb. 10, 2010	R9-2010-0001
Nutrients		
Rainbow Creek Nitrogen and Phosphorus	Feb. 9, 2005	R9-2005-0036

12. ANTIDegradation Policy. This Order is consistent with the provisions of Resolution No. 68-16 “*Statement of Policy with Respect to Maintaining High Quality Waters in California*” (Antidegradation Policy). Likewise, this Order is consistent with the federal Antidegradation Policy.¹² The San Diego Water Board, in regulating the discharge of waste, must have sufficient ground to adopt findings which demonstrate that any water quality degradation resulting from this Order will:

- a. be consistent with the maximum benefit to the people of the State;
- b. not unreasonably affect existing and potential beneficial uses of such water; and
- c. not result in water quality less than described in the Basin Plan.

Dischargers who enroll in this Order are required to protect beneficial uses, and prevent nuisance¹³ by implementing MMs/BMPs, and Monitoring and Reporting Program Order No. R9-2014-TENT (MRP No. R9-2014-TENT). This Order does not authorize further degradation of waters of the State.

13. CALIFORNIA TOXIC RULE. Promulgated by the United States Environmental Protection Agency (USEPA), the California Toxics Rule (CTR)¹⁴ contains water quality criteria that, when combined with beneficial use designations in the Basin Plan, constitute enforceable water quality standards for priority toxic pollutants in California surface waters. The CTR contains numerical water quality criteria (i.e., Water Quality Objectives [WQOs]¹⁵) which are translated into narrative toxicity pollutants WQOs in

¹² Code of Federal Regulations Title 40, section 131.12.

¹³ The term “nuisance” is as defined in Water Code section 13050(m).

¹⁴ Code of Federal Regulations Title 40, section 131.38 was promulgated on May 18, 2000; and updated (minor, non-substantive typographical correction) by USEPA on February 13, 2011.

¹⁵ The term “water quality objectives” is as defined in Water Code section 13050(h).

the Basin Plan.¹⁶ The State Water Board adopted the [Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries for California](#) (SIP),¹⁷ which contains guidance on implementation of the CTR. The SIP states that implementation of the CTR for agricultural nonpoint sources of pollution shall be consistent with the State's NPS Plan. ~~Adoption of this Order is consistent with the State's NPS Plan.~~

14. PESTICIDE MANAGEMENT AND WATER QUALITY. The California Department of Pesticide Regulations (DPR), State Water Board, and nine Regional Water Boards have mandates and authorities related to controlling uses of pesticides and water quality. To promote cooperation to protect water quality from the adverse effects of pesticides, DPR and the State Water Board signed a Management Agency Agreement (MAA) in 1997. The MAA, and its companion document, [The California Pesticide Management Plan for Water Quality](#),¹⁸ strives to coordinate interaction, facilitate communication, promote problem solving, and ultimately assure the protection of water quality. The intent of this Order is to support and implement the MAA.

15. MONITORING AND REPORTING. The release of wastes, or waste constituents derived from Operations may create, threaten to cause, or contribute to conditions of pollution, contamination,¹⁹ or nuisance. Water Code section 13267(a) authorizes the San Diego Water Board to investigate the quality of any waters of the State, as part of establishing and reviewing the WDRs adequacy and effectiveness. The San Diego Water Board may require any person, citizen or domiciliary, or political agency or entity of California, who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste, that could affect the quality of the waters within the San Diego Region shall furnish, under penalty of perjury, technical or monitoring program reports which the San Diego Water Board requires.

In establishing requirements, the San Diego Water Board may consider the volume, duration, frequency, and constituents of the discharge, the extent and type of existing monitoring activities including, but not limited to, existing watershed-based compliance and effectiveness monitoring efforts, the size of the project area; and other relevant factors.

The San Diego Water Board adopted *A Framework for Monitoring and Assessment in the San Diego Region* (Framework), dated November 2012, to facilitate the transition from discharge-oriented monitoring and assessment to water body-oriented monitoring and assessment in the San Diego Region. The monitoring requirements of this Order are consistent with this Framework.

All monitoring and reporting requirements specified in this Order are issued pursuant to Water Code section 13267, and are necessary to:

- a. evaluate Discharger compliance with the requirements of the Order;
- b. evaluate the effectiveness of any measures or actions taken in accordance with this Order and/or the Basin Plan; and

¹⁶ Water Quality Control Plan for the San Diego Region, Chapter 3, Water Quality Objectives.

¹⁷ Also known as the State Implementation Policy or "SIP."

http://www.waterboards.ca.gov/water_issues/programs/state_implementation_policy/docs/final.pdf

¹⁸ <http://www.cdpr.ca.gov/docs/emon/surfwtr/maaplan.htm>

¹⁹ The term "contamination" is as defined in Water Code section 13050(k).

- c. evaluate the need to make revisions to the Order, and/or pursue enforcement actions.

In accordance with Water Code section 13267(b)(1), the San Diego Water Board has considered the costs of implementing the proposed Order. While the proposed Order is likely to result in an additional economic burden for Dischargers, the required monitoring and reporting will extend an established effort to provide necessary information on the quality of waters within regional watersheds and listed impaired waters bodies within the San Diego Region. As such, this information relates directly to the San Diego Water Board's need to know, in a timely manner, whether the MMs/BMPs implemented by the Dischargers are maintained and effectively mitigating potential impacts to waters of the State.

Failure to (1) submit any report required by this Order; (2) submit a report of sufficient technical quality, as determined by the San Diego Water Board Executive Officer; and/or (3) comply with the conditions of this Order, may subject the Discharger to enforcement actions pursuant to Water Code sections 13268 and 13350.

16. **WATER QUALITY STANDARDS.** The Basin Plan and relevant statewide water quality control plans (collectively Plans) establish water quality standards for the San Diego Region. These water quality standards consist of designated beneficial uses, WQOs, and the antidegradation policy. These Plans also contain implementation plans and policies for interpreting and achieving water quality standards.

Table 3 below identifies the beneficial uses designated in the Basin Plan for groundwater and surface water in the San Diego Region.

Table 3: Beneficial Uses for Groundwater and Surface Waters

Beneficial Uses	Abbreviations
Agricultural Supply	AGR
Cold Freshwater Habitat	COLD
Commercial and Sport Fishing	COMM
Estuarine Habitat	EST
Freshwater Replenishment	FRSH
Industrial Process Supply	PROC
Industrial Service Supply	IND
Inland Saline Water Habitat	SAL
Marine Habitat	MAR
Municipal and Domestic Supply	MUN
Noncontact Recreation	REC2
Preservation of Rare and Endangered Species	RARE
Warm Freshwater Habitat	WARM
Water Contact Recreation	REC1
Wildlife Habitat	WILD

The requirements of this Order implement the Basin Plan by ensuring Operations are maintained and monitored to prevent releases of wastes or waste constituents from the Operation to waters of the State in a manner which could impair these beneficial uses.

17. **ENFORCEMENT ACTIONS.** Any person in violation of any WDRs, prohibition issued or reissued, or amended by the San Diego Water Board, shall be liable civilly under Water Code sections 13323 and 13350(d) and (e).²⁰

18. **CALIFORNIA ENVIRONMENTAL QUALITY ACT.** The previous and current conditional waivers for Operations were adopted as amendment to the Basin Plans with the San Diego Water Board acting as the lead agency for the project under the California Environmental Quality Act²¹ (CEQA). Basin Planning is a California certified regulatory program and exempt from the CEQA requirement to prepare environmental documents.²²

This Order is not being adopted as a Basin Plan amendment and is therefore subject to CEQA's requirement to prepare environmental documents. In accordance with California Code of Regulations Title (Calif. Code Regs. title) 14, section 15000 et seq., the San Diego Water Board is the lead agency for this project and has adopted a negative declaration for the project.

19. **FEES.**

- a. **Application Fee.** Dischargers are required to pay a one-time applications fee, promulgated in Calif. Code Regs. title 23, section 2200.6(b) by the State Water Board in accordance with Water Code section 13260.
- b. **Annual Fee.** Dischargers are required to pay an annual fee (i.e., waste discharge permit fee) established by the State Water Board in accordance with Water Code section 13260. Pursuant to Water Code section 13260 et seq. the annual fee shall be assessed in accordance with the current fee schedule promulgated in Calif. Code Regs. title 23, section 2200.6(a).

20. **PUBLIC PARTICIPATION.** All of the findings contained within this Order, ~~supplemental information and details in the attached Information Sheet~~, and incorporated references were considered in establishing the following conditions, requirements, provisions, and specifications.

All known Dischargers and other interested parties and persons were notified of the intent to adopt this Order, and were provided with an opportunity for a public hearing and an opportunity to submit written comments.

In a public meeting, all comments pertaining to this Order were heard and considered.

21. **STRATEGIC PLAN.** The issuance of this Order and the requirements herein are consistent with the goal to provide water resources protection, enhancement and restoration while balancing economic and environmental impacts as stated in the Strategic Plan of the State Water Board and the San Diego Water Board.

22. **APPLICABILITY.** Order No. R9-2014-TENT supersedes Orders Nos. R9-2007-0104 except for enforcement purposes regarding violations of Order No. R9-2007-0104. All

²⁰ Pursuant to Water Code section 13350(a)(2).

²¹ Codified in PRC section 21000 et seq., and promulgated in Calif. Code of Regs. title 14, Chapter 3, Division 6.

²² Pursuant to Public Resources Code section 21080.5, the Resources Agency has approved the Regional Water Boards' basin planning process as a "certified regulatory program" that adequately satisfies the California Environmental Quality Act (CEQA; Public Resources Code, section 21000 et seq.) requirements for preparing environmental documents. [14 CCR section 15251(g); 23 CCR section 3782] As such, the San Diego Water Board's basin planning documents together with an Environmental Checklist are the "substitute documents" that contain the required environmental documentation under CEQA. [23 CCR section 3777]

Operations previously regulated by Order No. R9-2007-0104 are automatically enrolled under Order No. R9-2014-TENT.

IT IS HEREBY ORDERED, that, in order to meet the provisions contained in Division 7, sections 13263 and 13267, of the Water Code, Dischargers²³ shall comply with the following requirements:

B. DISCHARGE PROHIBITIONS

1. Discharges of wastes to lands that have not been specifically described in a ROWD submitted to the San Diego Water Board and for which valid WDRs are not in force are prohibited.
2. Discharges of waste shall not:
 - a. Cause the occurrence of coliform or pathogenic organisms in waters pumped from the underlying groundwater basin;
 - b. Cause the occurrence of objectionable tastes or odors in waters pumped from the underlying groundwater basin;
 - c. Cause waters pumped from the underlying groundwater basin to foam;
 - d. Cause the presence of toxic materials in waters pumped from the underlying groundwater basin;
 - e. Cause the pH of waters pumped from the underlying groundwater basin to fall below 6.0 or rise above 9.0;
 - f. Cause this San Diego Water Board's objectives for the ground or surface waters as established in the Basin Plan, to be exceeded; and
 - g. Cause pollution, contamination, or nuisance or adversely affect beneficial uses of the ground or surface waters as established in the Basin Plan.
3. Discharges of wastes shall not:
 - a. result in odors, vectors, and/or other nuisances;
 - b. alter surface waters of the State, on or off the property, unless the proposed alteration has received a Clean Water Act section 401 Water Quality Certification, individual WDRs, or individual waiver of WDRs from the San Diego Water Board.
4. Discharges of waste to surface and ground waters is prohibited.
5. Discharges, direct or indirect, of products used at in Operations, to any surface waters of the State (including ephemeral streams and vernal pools) is prohibited.
6. Basin Plan discharge prohibitions shall not be violated.

C. ENROLLMENT PROCEDURE

1. Dischargers enrolled in Waiver No. 4, as an individual or member of a Monitoring Group, at the time of adoption of this Order are automatically enrolled in this Order.
2. Dischargers not automatically enrolled in this Order, in accordance with Enrollment Procedure, section C.1 of this Order, must file a Notice of Intent (NOI)²⁴ as either a

²³ As defined in Finding No. A.3 of this Order.

member of a Monitoring Group or an individual Discharger²⁵ with the San Diego Water Board, and submit a one-time application fee to the State Water Board.

- a. A NOI submitted by a Monitoring Group on behalf of its members, or an individual Discharger must consist of the following:
 - i. A completed *Notice of Intent to Comply with General Waste Discharge Requirements for Discharges from Commercial Agricultural and Nursery Operations, Order No. R9-2014-TENT* (Appendix A of this Order);
 - (1) Monitoring Groups must submit an electronic list (preferably in Excel format) of Dischargers who are members of the Monitoring Group, including the minimum information requested in Appendix A, sections B, D, E, and F.
 - ii. A detailed description of irrigation practices; storm water run-on and runoff management, fertilizer and pesticide usage, erosion control practices, composting activities, and any other site-specific MMs/BMPs that are implemented by each Discharger applying for enrollment in this Order. This information must be provided as a written description, and may use maps and photographs to illustrate the MM/BMP implementation.
 - iii. A detailed map, preferably in GIS format, of those Operations applying for enrollment in this Order, identifying the boundaries of the Operations; the location of nearby surface water bodies and known ground water wells; and location of all irrigation and storm water MMs/BMPs.
 - b. A one-time application fee is required to be submitted by Monitoring Groups and individual Dischargers subject to Enrollment Procedures, section C.2 of this Order. Monitoring Groups and individual Dischargers enrolled in this Order have been issued MRP No. R9-2014-TENT, in accordance with Water Code section 13267. As such, Monitoring Groups and individual Dischargers must submit an application fee, payable to the "State Water Resources Control Board," in the appropriate amount, as specified in Calif. Code Regs. title 23, section 2200.6(b).
3. Monitoring Groups, on behalf of the membership, must inform the San Diego Water Board, in writing, when any member ceases to participate in the Monitoring Group, within 30 days of the date the member ceases their participation in the Monitoring Group.
 4. Dischargers who cease to participate in a Monitoring Group must file a NOI with the San Diego Water Board to enroll as an individual Discharger, in accordance with Enrollment Procedure, section C.2.a of this Order, within 30 days of ceasing to participate in the Monitoring Group.

D. EDUCATION SPECIFICATIONS

1. Dischargers, or authorized representative of the Operation, must annually complete at least 2 hours of water quality management related training. Water quality

²⁴ For the purposes of this Order, a NOI is a ROWD, and Attachment A of this Order may serve as a substitute for the *Application/Report of Waste Discharge, General Information Form for Waste Discharge Requirements or NPDES Permit* (Form 200).

²⁵ Monitoring Groups and individual Dischargers are not approved under this waiver until a complete NOI is filed with the San Diego Water Board.

management training may include formal classroom training, ~~or~~ meetings with a training component, or internet based training.

2. Dischargers must maintain regular contact with the local Farm Bureau, University of California Cooperative Extension (UCCE), Natural Resources Conservation Service (NRCS), and/or regional resource conservation districts (RCDs) to remain informed of the latest MMs/BMPs and developments with respect to water quality issues.

E. DESIGN SPECIFICATIONS

1. Dischargers must comply with any local, State, and federal ordinances and regulations and obtain any required approvals, permits, certifications, and/or licenses.
2. Dischargers must implement MMs/BMPs to minimize or eliminate the discharge of pollutants that may adversely impact the quality or beneficial uses of waters of the State. Recommended MMs/BMPs are available in the State Water Board's NPS Plan and/or available from UCCE, NRCS, and/or RCDs.
3. Dischargers must minimize or eliminate the discharge of any pollutants that could adversely affect the quality or beneficial uses of any waters of the State.

~~Dischargers of nursery operations must prevent the direct or indirect discharge of irrigation return water to any surface waters of the State.~~

F. PRODUCT APPLICATION SPECIFICATIONS

1. Application of Compost as a Fertilizer, Amendment, or Mulch to Soil. The Discharger may utilize plant crop residues as a soil amendment or mulch. Dischargers using soil amendments or mulches must:
 - a. prevent the direct or indirect discharge of amendments or mulches to any surface waters of the State (including ephemeral streams and vernal pools).
 - b. ensure amendments or mulches applied to the soil do not include any of the following additives, unless sufficient information is provided to demonstrate that the waste does not pose a potential threat to water quality:
 - i. municipal solid waste;
 - ii. sludges, including sewage sludge, water treatment sludge, and industrial sludge;
 - iii. septage, liquid wastes, oil and grease; and
 - iv. hazardous, designated, and any other wastes determined by the San Diego Water Board to pose a potential threat to water quality;
 - c. apply amendment or mulch materials to the soil at site-specific rates appropriate to the soil conditions and season (i.e., dry weather vs. wet weather);
 - d. implement MMs/BMPs in areas with soil amendment or mulch materials to minimize or eliminate runoff of pollutants into surface water and leaching of pollutants to into groundwater; and
 - e. apply the amount of soil amendment or mulch materials to soil at an agronomic rate that is reasonable for the crop or plant, soil, climate, special local situations, management system, and type of soil amendment or mulch, and that won't result in excess nutrients leaching to groundwater. Application rates must take into account

storm events during the wet weather season (October 1 through April 30). Application rates must not allow soil amendment or mulch materials to be transported off the property in storm water runoff during the rainy season. Resources to determine agronomic application rates are available from the NRCS, UCCE, and other organizations. A copy of the calculations and/or estimate of the application rate must be available on site for inspection.

2. Application of Products Used in Commercial Agricultural and Nursery Operations. Dischargers must:
 - a. apply any products used in Operations that contain pollutants that may be transported in surface runoff to surface waters or may infiltrate to groundwater in accordance with manufacturer instructions and guidelines. Application of these products must not have an adverse effect on the quality of any waters of the State;
 - b. contain and properly dispose of excessive amounts of any products used in Operations spilled to lands; and
 - c. ensure any products used in Operations applied to land do not adversely impact the quality or beneficial uses of groundwater in any water wells.

G. INSPECTION SPECIFICATIONS

1. The San Diego Water Board and/or other local regulatory agencies must be allowed reasonable access to Operations in order to perform inspections and conduct monitoring.
2. Dischargers must retain proof (e.g., certificate of completion) of each years' annual water quality management training on site, and make those documents available for inspection.
3. Dischargers must retain proof of contact (e.g., newsletters, conservation plans, self-assessments) with the Monitoring Group, UCCE, NRCS, RCDs, and/or other organizations providing information on the latest MMs/BMPs and developments concerning water quality issues.
4. Dischargers must retain copies of the Operations' Water Quality Management Reports (Requirements, section B.2 of the MRP No. R9-2014-TENT) on site, and make those Water Quality Management Reports available for inspection.

H. PROVISIONS

1. **General Provision.** Wastes discharged at any Operation must not cause or contribute to conditions of pollution, contamination, nuisance, as defined in Water Code section 13050. The discharge of waste shall at all times be in conformance with applicable water quality standards, including but not limited to, all applicable provisions and prohibitions contained in the Basin Plan, including beneficial uses, water quality objectives, and implementation plans. This Order does not preempt or supersede the authority of municipalities, flood control agencies, or other State or local agencies to prohibit, restrict, or control discharges of waste subject to their jurisdiction.
2. **Duty to Comply.** Any noncompliance with this Order constitutes a violation of the Water Code and is grounds for:
 - a. Enforcement action, and
 - b. Termination of enrollment under this Order and issuance of individual WDRs.

3. **Responsibility for Monitoring.** Dischargers are responsible for associated with the activities necessary to maintain compliance with this Order until the San Diego Water Board has determined that the Operations no longer presents a threat to water quality.
4. **Proper Maintenance.** Dischargers must, at all times, properly maintain all facilities and MMs/BMPs which are installed or used by the Discharger to achieve compliance with the specifications of this Order. Proper maintenance includes maintaining effective performance, and adequate laboratory and process controls, including appropriate quality assurances procedures.
5. **Maintenance Period.** The maintenance period must continue until the San Diego Water Board finds that any waste constituents or waste degradation products will not threaten the waters of the State.
6. **Termination of Enrollment in Waste Discharge Requirements.** Enrollment in this Order may be terminated for cause including, but not limited to, the following:
 - a. violation of any terms or conditions of this Order;
 - b. obtaining enrollment under this order by misrepresentation or failure to disclose fully all relevant facts; or
 - c. change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.

The filing of a request by the Discharger for the termination of enrollment in this Order, notification of planned changes, or anticipated noncompliance does not stay any condition of this Order.

7. **Change in Ownership.** Enrollment in this Order is not transferable to any person except after notice to the San Diego Water Board. The Discharger must submit a notice of any proposed transfer of responsibility for this Order in accordance with Reporting Requirements, section I.2 of this Order. The Discharger must also inform the transferee of the conditions of this Order and the status of the Discharger's annual fee account.
8. **Property Rights.** This Order does not convey any property rights of any sort or any exclusive privileges. The requirements prescribed herein do not authorize the commission of any act causing injury to persons or property, do not protect the owner/operator from liability under federal, State, or local laws, nor create a vested right for the owner and operator to continue the regulated activity.
9. **Entry and Inspection.** Under the authority of Water Code section 13267(c), the Discharger must allow the San Diego Water Board, or an authorized representative, upon the presentation of credentials and other documents as may be required by law to:
 - a. Enter upon the Dischargers' premises where a regulated operation or activity is located or conducted, or where records must be kept under the specification of this Order;
 - b. Have access to and copy, at reasonable times, any records that must be kept under the specification of this Order;
 - c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or specified under this Order;

- d. Sample or monitor at reasonable times, for the purposes of assuring compliance with this Order or as otherwise authorized by the Water Code, any substances or parameters at any location; and
- e. Photograph or video record any structures, operations, activities, or other conditions that could result in adverse impacts to water quality and that are pertinent to compliance with this Order.

The San Diego Water Board will notify Discharger at least **24-hours** in advance of any planned inspection or sampling of any media at the site.

10. **Repository of Waste Discharge Requirements.** A complete and correct copy of this Order will be maintained at the local offices of the Discharger, and shall be available to Operation and maintenance personnel at all times.
11. **Severability.** The provisions of this Order are severable, and if any provision of this Order, or the application of any provision of this Order to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this Order, shall not be affected thereby.
12. **Effective Date.** This Order becomes effective on ~~<TENTDATE>~~.
13. **Applicability.** This Order supersedes Waiver No. 4 in the Basin Plan, as adopted under Resolution No. R9-2007-0104, and shall be implemented by all Dischargers having Operations previously enrolled in Waiver No. 4.

I. REPORTING SPECIFICATIONS

1. **General Reporting Requirement.** Dischargers must furnish to the San Diego Water Board, within a reasonable time, a NOI, technical or monitoring program reports, and/or any other information which the San Diego Water Board may request to determine whether cause exists for modifying, revoking and reissuing, or terminating enrollment under this Order.
2. **Change in Ownership.** The Discharger must notify the San Diego Water Board in writing ~~within at least 30 days in advance~~ of any transfer of ownership of an Operation enrolled in this Order. The notification shall include an acknowledgement that the current owner is liable for compliance with the conditions of this Order until the date that ownership of the Operation transfers. The notifications shall include an acknowledgement by the new owner that the new owner accepts responsibility for compliance with this Order from the date of the ownership transfer.
3. **Incomplete Reports.** Where the Discharger/Monitoring Group becomes aware that it failed to submit any relevant facts or submitted incorrect information in a NOI, or in any report to the San Diego Water Board; the Discharger/Monitoring Group shall promptly submit such additional facts or corrected information.
4. **Monitoring and Reporting Program.** Pursuant to Water Code section 13267, the Discharger shall comply with *MRP No. R9-2014-TENT*. Failure to comply with any issued monitoring and reporting program may subject the Discharger to civil liability pursuant to Water Code section 13268.
5. **Reporting Declaration.** All NOIs, reports, or information submitted to the San Diego Water Board are part of the public record and shall be signed and certified as follows:
 - a. The NOI shall be signed as follows:

- i. *For a corporation* – by a principal executive officer of at least the level of vice president;
 - ii. *For a partnership or sole proprietorship* – by a general partner or the proprietor, respectively;
 - iii. *For a municipality, State, federal, or other public agency* – by either a principal executive officer or ranking elected official; and
 - iv. *For a military facility* – by the base commander to the person with overall responsibility for environmental matters in that branch of the military.
- b. All other reports required by this Order and other information required by the San Diego Water Board must be signed by a person designated in Reporting Specifications, section I.5.a of this Order, or by duly authorized representative of that person. An individual is a duly authorized representative only if:
- i. The authorization is made in writing by a person described in Reporting Specifications, section I.5.a of this Order;
 - ii. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity; and
 - iii. The written authorization is submitted to the San Diego Water Board.

The authorization, in the form of a Signature Authority Statement, must be submitted to the San Diego Water Board within **30 days** from the: (1) adoption of this Order; (2) enrollment under this Order; or (3) a change in duly authorized representative.

- c. Any person signing a document under this section shall make the following certification:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manages the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

6. **Submission Procedures.** The Discharger shall submit all paper or electronic copies of reports and notifications required under this Order and other information requested by the San Diego Water Board to:

Executive Officer
California Regional Water Quality Control Board, San Diego Region
2375 Northside Drive, Suite 100
San Diego, CA 921008
Attn: Irrigated Lands Regulatory Program Project Manager

Larger documents shall be divided into separate files in logical places in the report to keep the file size under 150 megabytes. The Discharger/Monitoring Group must continue to provide a paper transmittal letter, a paper copy of all figures larger than 8.5

inches by 14 inches (legal size), and an electronic copy (on a CD or other appropriate media) of all reports to the San Diego Water Board. All correspondence and documents submitted to the San Diego Water Board must include the reference code "<Staff name>" in the header or subject line, where "<staff name>" is the first initial and last name of the San Diego Water Board case manager.

J. NOTIFICATIONS.

1. **Penalties for Investigation, Monitoring, or Inspection Violations.** The San Diego Water Board reserves its right to take any enforcement action authorized by law for violations of the terms and conditions of this Order.
2. **Civil Monetary Remedies.** Water Code section 13350 specifies that any person who intentionally or negligently violates any waiver conditions issued, or amended by the San Diego Water Board, is subject to administrative civil liability of up to 5,000 dollars per day of violation, or if no discharge occurs, up to 100 dollars per day of violation. Water Code section 13268 further provides that failure or refusal to submit technical reports required by this Order, is subject to administrative civil liability of up to 1,000 dollars per day of violation.
3. **Other Regulations.** Dischargers enrolled in this Order may be subject to additional federal, State, or local regulations.
4. **Requesting Administrative Review by the State Water Board.** Any person affected by this action of the San Diego Water Board may petition the State Water Board to review the action in accordance with Water Code section 13320, and Calif. Code Regs. title 23, section 2050. The petition must be received by the State Water Board²⁶ **within 30 days** of the date of this Order, or enrollment in this Order. Copies of the laws and regulations applicable to filing petitions will be provided upon request.
5. **Delegation of Authority.** The San Diego Water Board has delegated to the Executive Officer by resolution, all the powers and authority that may be delegated pursuant to Water Code section 13223. The San Diego Water Board intends for the Executive Officer to make modifications or revisions in appropriate cases, to the Monitoring and Reporting Program; and to grant Dischargers enrollment or termination under this Order pursuant to the eligibility criteria and termination criteria established in this Order.

²⁶ Requests should be directed to the attention of the Office of Chief Counsel, P.O. Box 100, Sacramento, CA 95812.

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

NOTICE OF INTENT

TO COMPLY WITH GENERAL WAIVER OF WASTE DISCHARGE REQUIREMENTS FOR
DISCHARGES FROM COMMERCIAL AGRICULTURAL AND NURSERY OPERATIONS
ORDER NO. R9-2014-TENT
(APPENDIX A)

A. TYPE OF ENROLLMENT

Mark (☒) the appropriate box indicating if the NOI is being submitted to enroll as an individual Discharger or a Monitoring Group:

- ☐ Individual Discharger (complete sections A, B, and D through H)
☐ Monitoring Group (complete sections A through H)

B. AGRICULTURAL/NURSERY OPERATION:¹

Name:		
Address:		City:
County:	Zip:	Contact Person:
Telephone:	Fax:	No. of Irrigated Acres:
Assessor Parcel Number(s):		
<u>Hydrologic Area/Subarea:</u> ²		Parcel size(s):
Type of crops grown on each parcel:		

C. MONITORING GROUP INFORMATION:

Name:		
Mailing Address:		City:
County:	State:	Zip:
Physical Address:		City:
County:	State:	Zip:
Telephone:	Fax:	Email:
Authorized Representative(s):		

¹ In accordance with Enrollment Procedures, section C.2.a of Order No. R9-2014-TENT, Monitoring Groups applying for enrollment are to submit this information as an electronic list.

² Water Quality Control Plan for the San Diego Basin, Chapter 1 – Introduction, Figure 1-2.

**D. OWNER INFORMATION:**

Name:		
Mailing Address:		City:
County:	State:	Zip:
Physical Address:		City:
County:	State:	Zip:
Telephone:	Fax:	Email:
Authorized Representative(s):		

E. OPERATOR INFORMATION:

Name:		
Mailing Address:		City:
County:	State:	Zip:
Physical Address:		City:
County:	State:	Zip:
Telephone:	Fax:	Email:

F. ADDRESS WHERE LEGAL NOTICE MAY BE SERVED:

Address:		City:
County:	State:	Zip:
Contact Person:	Telephone:	

G. BILLING ADDRESS:

Address:		City:
County:	State:	Zip:
Contact Person:	Telephone:	



H. CERTIFICATION

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

SIGNATURE
(OWNER/AUTHORIZED REPRESENTATIVE)

DATE

PRINT NAME

TITLE

TELEPHONE NUMBER

EMAIL

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

ANNUAL SELF INSPECTION SURVEY

TO COMPLY WITH GENERAL WAIVER OF WASTE DISCHARGE REQUIREMENTS FOR
DISCHARGES FROM COMMERCIAL AGRICULTURAL AND NURSERY OPERATIONS

ORDER NO. R9-2014-TENT
(APPENDIX B)

A. AGRICULTURAL/NURSERY OPERATION:

Name:		
Address:		City:
County:	Zip:	Contact Person:
Telephone:	Fax:	No. of Irrigated Acres:
Assessor Parcel Number(s):		
<u>Hydrologic Area/Subarea:</u> ¹		Parcel size(s):
Type of crops grown on each parcel:		

B. OWNER INFORMATION:

Name:		
Mailing Address:		City:
County:	State:	Zip:
Physical Address:		City:
County	State:	Zip:
Telephone:	Fax:	Email:
Authorized Representative(s):		

C. OPERATOR INFORMATION:

Name:		
Mailing Address:		City:
County:	State:	Zip:
Physical Address:		City:
County	State:	Zip:
Telephone:	Fax:	Email:

¹ Water Quality Control Plan for the San Diego Basin, Chapter 1 – Introduction, Figure 1-2.

**D. ENROLLMENT TYPE**

Mark (☒) the appropriate box indicating if the owner identified above, is enrolled as an individual Discharger or member of a Monitoring Group:

☐ Individual Discharger or ☐ Monitoring Group: _____

E. MANAGEMENT MEASURES AND BEST MANAGEMENT PRACTICES

~~If structural~~ Describe the management measures (MMs) and/or best management practices (BMPs) are implemented to minimize or eliminate the discharge of pollutants to waters of the State, provide a thorough description of those MMs/BMPs. Use additional pages as needed. Provide a map of the property/facility showing locations of structural MMs/BMPs, and photographs to show the effectiveness of those structural MMs/BMPs.

F. EDUCATION REQUIREMENTS

~~Identify whether the~~ Provide, as an attachment with this Annual Self Inspection Survey proof (e.g., certificate of completion) of current years' annual water quality management training has been completed. If "no" please provide a brief explanation/justification..... ☐

Yes ☐ No ☐

G. ASSOCIATION COMMUNICATION REQUIREMENTS

Is regular contact being made with the local Farm Bureau, University of California Cooperative Extension (UCCE), National Resources Conservation Service (NRCS), and/or regional Resource Conservation Districts (RCDs) to discuss the latest MMs/BMPs, and other water quality issues? ☐ Yes ☐ No

If "yes", provide, as an attachment with this Annual Self Inspection Survey proof (e.g., newsletters, NRCS conservation plan, UCCE self-assessment). If "no" please provide a detailed brief explanation ~~as to why regular contact with the local Farm Bureau, UCCE, NRCS, and/or RCDs is not being made~~.

H. RECORDS MANAGEMENT

Identify whether the following records are being maintained for the Operation and are capable of being reviewed during an inspection by the San Diego Water Board. For any record marked "No" or "n/a", provide a brief explanation/justification.

~~List of Hazardous materials onsite~~ ☐ Yes ☐ No ☐ N/A
~~Location/amount of waste materials generate and~~
~~—composted/reused onsite~~ ☐ Yes ☐ No ☐ N/A
~~Location/amount of waste materials disposed of offsite~~ ☐ Yes ☐ No ☐ N/A
~~Pesticide use report~~ ☐ Yes ☐ No ☐ N/A ~~Pesticide/soil amendment/mulch use records~~
~~Irrigation management records~~ ☐ Yes ☐ No ☐ N/A
~~Equipment maintenance records~~ ☐ Yes ☐ No ☐ N/A
~~Owner, operator, and employee education/training records~~ ☐ Yes ☐ No ☐ N/A
~~Operating permits, licenses, and/or certificates~~ ☐ Yes ☐ No ☐

City/County agricultural inspection reports ☐ Yes ☐ No ☐ N/A



National Organic Program certification inspection reports (if applicable) . ☐ Yes ☐ No ☐ N/A

*Annual self assessments*² ☐ Yes ☐ No ☐ N/A

Groundwater quality monitoring data (well data, if applicable) ☐ Yes ☐ No ☐ N/A

I. CERTIFICATION

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

SIGNATURE
(OWNER/AUTHORIZED REPRESENTATIVE)

DATE AND TIME OF INSPECTION

PRINT NAME

TITLE

TELEPHONE NUMBER

EMAIL

² Self-assessment questionnaires are available from the University of California Cooperative Extension (UCCE).
http://ucanr.edu/sites/agwaterquality/Grower_Resources/

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

INTERIM AND FINAL TOTAL MAXIMUM DAILY LOAD ALLOCATIONS
(APPENDIX C)

Resolution No. R9-2010-0001

Revised Total Maximum Daily Loads for Indicator Bacteria, Project I – Twenty Beaches and Creeks in the San Diego Region (Including Tecolote Creek)

Table A: Coliform Load Allocations for Agriculture (billion MPN per year)

Source	Fecal Coliform		Total Coliform	
	Wet Weather	Dry Weather	Wet Weather	Dry Weather
San Joaquin Hills/ Laguna Hills HSAs	7,346	0	50,774	0
Aliso HSA	26,508	0	179,828	0
Dana Point HSA	0	0	0	0
Low San Juan HSA	2,855,570	0	14,946,372	0
San Clemente HS	366	0	2,370	0
San Luis Rey HU	20,041,659	0	110,768,160	0
San Marcos HA	9,073	0	99,809	0
San Dieguito HU	11,698,811	0	66,570,499	0
Miramar Reservoir HA	0	0	0	0
Scripps HA	0	0	0	0
Tecolote HA	0	0	0	0
Mission San Diego/ Santee HSAs	414,721	0	3,495,960	0
Chollas HSA	0	0	0	0

HSA – Hydrologic Subareas; HU – Hydrologic Unit; HA – Hydrologic Area

Table B: Enterococcus Load Allocations for Agriculture (billion MPN per year)

Source	Enterococcus		Enterococcus ^a
	Wet Weather	Dry Weather	Wet Weather
San Joaquin Hills/ Laguna Hills HSAs	3,201	0	
Aliso HSA	11,245	0	11,245
Dana Point HSA	0	0	
Low San Juan HSA	839,040	0	841,564
San Clemente HS	148	0	
San Luis Rey HU	6,077,514	0	
San Marcos HA	6,246	0	
San Dieguito HU	4,082,010	0	
Miramar Reservoir HA	0	0	
Scripps HA	0	0	
Tecolote HA	0	0	0
Mission San Diego/ Santee HSAs	213,149	0	213,149
Chollas HSA	0	0	0

a – Alternative Wet Weather.

HSA – Hydrologic Subareas; HU – Hydrologic Unit; HA – Hydrologic Area

Table C: Fecal Coliform and Enterococcus Numeric Targets for Agriculture (milligrams per liter)

Constituent	Wet Weather Days		Dry Weather Days	
	Single Sample Maximum ^{b, c} (MPN/100 mL)	Single Sample Maximum Allowable Exceedance Frequency ^d	30-Day Geometric Mean ^b (MPN/100mL)	30-Day Geometric Mean Allowable Exceedance Frequency
Fecal Coliform	400	22%	200	0%
Enterococcus	61 (104) ^d	22%	33	0%

a – During wet weather days, only the single sample maximum receiving water limitations are required to be achieved.

b – During dry weather days, the single sample maximum and 30-day geometric mean receiving water limitations are required to be achieved.

c – The 22% single sample maximum allowable exceedance frequency only applies to wet weather days. For dry weather days, the dry weather bacteria densities must be consistent with the single maximum REC-1 water quality objectives in the Basin Plan.

d – A single sample maximum of 104 MPN/100mL, if one or more of the creeks addressed by these TMDLs (San Juan Creek), Aliso Creek, Tecolote Creek, Forrester Creek, San Diego River, and/or Chollas Creek) is designated with a “moderately to lightly used area” or less frequent usage frequency in the Basin Plan. Otherwise, the single sample maximum of 61 MPN/100mL for Enterococcus must be used to assess compliance with the allowable exceedance frequency.

Resolution No. R9-2005-0036**Rainbow Creek Total Nitrogen and Total Phosphorus Total Maximum Daily Loads****Table D: Load Allocations for Agriculture (kilograms per year)**

Source	2009		2013		2017		2021	
	TN	TP	TN	TP	TN	TP	TN	TP
Commercial nurseries	390	20	299	16	196	10	116	3
Agricultural fields	504	28	386	21	253	14	151	4
Orchards	607	50	465	37	305	24	182	6

To calculate pounds per year, multiply by 2.2. TN – Total Nitrogen. TP – Total Phosphorus.

Table E: Numeric Targets for Agriculture (milligrams per liter)

Constituent	Effluent Limitations
Nitrate (as N)	10 mg/L
Total Nitrogen	1 mg/L
Total Phosphorus	0.1 mg/L

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

**2008 California 303(d) List¹ of Category 5² Water Quality Limited Segments
for Commercial Agricultural and/or Nursery Operations within the San Diego Region
(APPENDIX D)**

Water Body Name	Calwater No.	Pollutant	Est. Area Assessed	First Year Listed	Date
Arroyo Trabuco Creek	90120000	Diazinon	23 miles	2008	2019
		Total Nitrogen as N			
De Luz Creek	90221000	Nitrogen	14 miles	2008	2021
Felicita Creek	90523000	TDS	0.92 miles	2002	2019
Forester Creek	90712000	Phosphorus	6.4 miles	2006	2019
		TDS		2002	
Hodges, Lake	90521000	Nitrogen	1,104 acres	2002	2019
		Phosphorus		2002	2013
Kit Carson Creek	90521000	TDS	0.99 miles	2002	2019
Mission Bay @ Rose Creek	90640000	Eutrophic	9.2 acres	1996	2019
Morena Reservoir	91150000	Ammonia as N	104 acres	2008	2019
		Color		2006	
Rainbow Creek	90222000	Nitrogen	5 miles	2002	2006
		Sulfates		2006	2019
		TDS		2006	
Redhawk Channel	90251000	Chlorpyrifos	0.15 miles	2008	2021
San Luis Rey River, Lower	90311000	TDS	19 miles	2002	2019
Santa Margarita Lagoon	90211000	Eutrophic	28 acres	1986	2019
Sweetwater Reservoir	90921000	Oxygen, Dissolved	925 acres	2006	2019
Tijuana River	91111000	Eutrophic	6 miles	1996	2019
		Indicator Bacteria		1992	2010
		Low Dissolved Oxygen		1996	2019
		Pesticides		1996	2019
		Phosphorus		2008	2021

¹ http://www.waterboards.ca.gov/sandiego/water_issues/programs/303d_list/ref_reports/category5_report.shtml

² Category 5 criteria: A water segment where standards are not met and a TMDL is required, but not yet completed, for at least one of the pollutants being listed for this segment.